

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MOUNTAIN VALLEY PIPELINE, LLC,)
Plaintiff,)
v.)
8.37 ACRES OF LAND, OWNED BY) Civil Action No. 7:20-cv-134
FRANK H. TERRY, JR., et al.,) By: Elizabeth K. Dillon
Defendants.) United States District Judge

MEMORANDUM OPINION AND ORDER

Plaintiff Mountain Valley Pipeline (MVP) is constructing an interstate natural gas pipeline. MVP commenced a condemnation action under the Natural Gas Act, 15 U.S.C. § 717 *et seq.*, to acquire a permanent easement and temporary easements on numerous properties, including this property located in Roanoke County and owned by Frank Terry, John Coles Terry, and Elizabeth Terry. On March 7, 2018, the court entered an order in the primary condemnation case, *Mountain Valley Pipeline LLC v. Easements to Construct*, Case No. 7:17-cv-492 (W.D. Va.) (Dkt. No. 593), granting MVP immediate possession of the easement on this property.

On August 26, 2020, the court issued an order addressing various pretrial motions and took the portion of the motion for a jury view (Dkt. No. 32) under advisement. (Dkt. No. 37.) After further review, the court notes that, while a jury view is not required by law, the court agrees that an in-person jury view is helpful, where practicable, because the jury is to determine the just compensation for the taking. Thus, the court will grant the motion for a jury view subject to the conditions during the trial dates regarding logistics (including, but not limited to, access to the property, weather, and transportation), security (including, but not limited to, the health and safety of the jurors, parties, counsel, and court personnel), and time constraints. Should the court determine that an in-person jury view is not practicable at the time of trial, then the parties will have

the opportunity to use photographs, or pre-recorded or live video.

For the reasons stated above, it is hereby that defendants' motion in limine with regard to a jury view (Dkt. No. 32), that was previously taken under advisement, is GRANTED subject to conditions during the dates of trial.

Entered: March 31, 2021.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge